

Bureau of Reclamation's Update to the NAGPRA Review Committee

December 11, 2000

Nashville, TN

Good afternoon, my name is Myra Giesen and I am the Bureau of Reclamation's NAGPRA Coordinator. I am pleased to address the committee, again, on Reclamation's NAGPRA activities. I will follow the format that I have used in the past to present information to the committee. For the benefit of the committee's new members (welcome Dr. Worl and Dr. Bailey), I will begin with a brief overview of Reclamation.

Overview of Reclamation

Reclamation is a bureau within the Department of the Interior. Since its inception in 1902, Reclamation has played a pivotal role in developing water resources in the 17 western states. Reclamation has jurisdiction over approximately 8.6 million acres. These lands are used for many different purposes including dams, reservoirs, irrigation facilities, recreation, fish and wildlife, agriculture, grazing, environmental enhancement, education, flood control, transportation, and power generation. Reclamation serves as America's second largest wholesale water supplier, administering 348 reservoirs with a total storage capacity of 245 million acre-feet (an acre-foot, 325,851 gallons of water, supplies enough water for a family of four for one year).

Like other federal organizations, we have delegated the responsibility for NAGPRA compliance from our Commissioner to our five regional directors or their designees. I have provided the committee (Attachment A) and the audience a map of Reclamation lands with NAGPRA contact information printed on its reverse side.

Summary Status - Section 6

As we have reported previously to this committee, Reclamation has submitted a single Reclamation Summary Report in 1993. In our efforts to meet the requirements of 36 CFR Part 79 (Curation of Federally-Owned and Administered Archeological Collections) and Interior's Department Manual 411 (Managing Museum Property), we have become aware of items under our control, not previously reported, that fit the definition of unassociated funerary objects and sacred objects. We also have found our original data include objects that were not under our control and thus needed to be removed.

Currently, we are in the process of revising our Summary Report to reflect 207 unassociated funerary objects and two sacred objects, and no objects of cultural patrimony. Of the 207 unassociated funerary objects, we have assigned 74 objects a cultural affiliation.

Reclamation is aware the committee is concerned with the lack of information on the location and care of cultural items held in non-federal museums and repositories. Reclamation can report today that all the associated funerary objects are located at Reclamation-administered repositories, however, the two sacred objects continue to be curated at a non-federal museum.

With respect to the curation of NAGPRA cultural items (or any museum property owned by Reclamation), Reclamation offices are working with our non-federal partners in meeting the curation standards set forth in 36 CFR Part 79 and DM 411. Although Reclamation lacks bureau-wide policy for the specific care of NAGPRA cultural items, many offices have restrictive access to and high security for their NAGPRA items.

Supplements to Reclamation's Summary Report are being drafted by the offices that have the cultural items. Our Lower Colorado Region just submitted a supplemental Summary Report that includes 74 unassociated funerary objects. They also included, with their summary, a Notice of Intent to Repatriate. Our Upper Colorado Region is in the process of completing a cultural affiliation study on the two carved wooden figurines under their control. They have consulted with 32 tribes on the objects' cultural affiliation. Currently, the Upper Colorado Region has competing claims for these sacred objects by the Hopi Tribe and the Navajo Nation. An affiliation determination is expected later this month. The remaining unassociated funerary objects are from our Mid-Pacific Region and are determined to be "culturally unidentifiable." That region will submit no notices until they assign a cultural affiliation to the objects.

Inventory Status - Section 5

All five regions within Reclamation submitted an inventory by the statutory deadline; however, new information or the discovery of a previously unknown archeological collection has necessitated amendments to all inventories.

Currently, Reclamation has control of human remains representing 1,755 individuals. Of these, we have assigned 910 individuals a cultural affiliation. We have repatriated an additional seven individuals. Also under our control are 33,034 associated funerary objects, of which 32,027 are affiliated with modern tribes. We have repatriated an additional three associated funerary objects. The human remains and associated funerary objects came from 194 different locations across the 17 western states. These cultural items are located at 27 non-federal museums and two federal museums. As mentioned earlier, Reclamation offices are working with our non-federal partners in meeting the curation standards set forth in 36 CFR Part 79 and DM 411.

All regional inventories will be complete by early 2002. Reclamation's Great Plains Region will be submitting part of their revised inventory and a Notice of Inventory Completion tomorrow during their presentation to the committee. The remainder of their revised inventory is scheduled to be submitted this coming January.

Our Lower Colorado Region submitted a revised inventory this past week for affiliated items along with a Notice of Inventory Completion for the repatriation of 480 individuals and 2,206 associated funerary objects. They also submitted an inventory for their "culturally unidentifiable" human remains representing six individuals and 22 associated funerary objects.

Our Pacific Northwest Region is actively consulting with the Confederated Tribes of the Colville Reservation (Colville, Chelan, Entiat, Methow, Okanogan, San Poil, Lake, Nespelem, Nez Perce, Palouse, Moses, Sinkiuse, & Wenatchee) and the

Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho about their cultural items. They anticipate a completion of their inventory in later 2001 or early 2002.

Our Upper Colorado Region completed a portion of their revised inventory this past month and submitted it and a draft Notice of Inventory Completion to the NPS on November 20, 2000 for the repatriation of three individuals and no associated funerary objects to the Southern Paiute. They also are preparing the necessary paperwork for the repatriation of human remains representing four individuals to the Navajo. They expect to have the draft Notice of Inventory Completion for the Navajo human remains submitted to NPS by December 30, 2000. The remaining 640 individuals under their control have multiple claimants (nine tribes) and are currently listed as "culturally unidentifiable" on their inventory. The Upper Colorado is consulting with tribes in order to reach a cultural affiliation determination. They have set up the following schedule for submitting draft notices:

September 2001 - Draft Notice of Inventory Completion for Fremont Human Remains and Associated Funerary Objects. This inventory notice is dependent upon a cultural affiliation report since nine tribes have claimed cultural affiliation. The report is expected to be completed in August 2001.

September 2002 - Draft Notice of Inventory Completion for Human Remains and Associated Funerary Objects from Navajo Reservoir. This inventory notice is dependent upon a cultural affiliation report since multiple tribes have claimed cultural affiliation with the Anasazi of the eastern San Juan.

September 2003 - Draft Notice of Inventory Completion for Human Remains and Associated Funerary Objects from Glen Canyon. This inventory notice is dependent upon a cultural affiliation report since multiple tribes have claimed cultural affiliation with the Kayenta Anasazi.

To date, Reclamation has had one Notice of Inventory Completion published in the Federal Register. We have submitted another four notices to the NPS for review and publication in the past six months and anticipate submitting another two notices pending the committee's decision tomorrow on our requests for disposition of "culturally unidentifiable" human remains.

Inadvertent Discoveries and Planned Excavations

During this past year, Reclamation completed an internal directive entitled Inadvertent Discovery of Human Remains on Reclamation Lands (LND 07-01). I have included this in your packet as Attachment B. This directive provided mandatory actions by Reclamation personnel for when they discover human remains on Reclamation lands.

Also this year, we complete a Preservation of Cultural Resources clause, WBR 1452.236-84, that must be placed in all solicitations and contracts for construction or construction-related services. This clause specifically references NAGPRA and the procedures to follow in case of a discovery. I have included it in your packet as Attachment C.

Reclamation Lands Between 1990 and 1995, before the NAGPRA regulations were published, Reclamation had 13 inadvertent discoveries that resulted in 12 planned excavation on Reclamation lands. These discoveries resulted in the recovery of human remains belonging to 23 individuals and 18 associated funerary objects. Two individuals and seven associated funerary objects have undergone disposition. In two cases, both involving 1 individual, newspaper notices have been drafted and will be published sometime this month. The remaining individuals and associated funerary objects have multiple claimants and require continued consultation with the affected tribes.

After the regulations were published in December 1995, Reclamation had two additional inadvertent discoveries that resulted in one planned excavation on Reclamation lands. These discoveries resulted in the recovery of human remains belonging to two individuals and 11 associated funerary objects. In one of these cases, the human remains and the 11 associated funerary objects were reburied on Reclamation lands. In the other case, a written claim is anticipated within the next couple of weeks; notices have been prepared and are ready for submission to the appropriate newspapers.

In 1996 and 1998, human remains were intentionally excavated at Lake Franklin D. Roosevelt in the State of Washington on Reclamation lands. However, the National Park Service is the Federal Land Manager for this project and has the lead in consultation and disposition for these excavations.

Tribal Lands Native American human remains representing 11 individuals and four associated funerary objects have been recovered from Tribal lands.

Our Dakota Area Office had one inadvertent discovery that lead to an excavation on the Rosebud Reservation in 1996 in conjunction with the Mni Wiconi Project. The discovery consisted of an unmarked family cemetery that was encountered during the construction of a water storage tank. Working with the Rosebud NAGPRA committee and the Office of Water Resources, the Dakota Area Office was able to identify the relatives and reinterred the remains.

Native American human remains representing eight individuals and four associated funerary objects were recovered as part of planned excavation on Tribal lands due to our Lower Colorado Region's actions. The 1996 Fort McDowell project on Fort McDowell Indian Community lands resulted in the excavation of features containing human remains representing two individuals and no associated funerary objects. Consultation with Fort McDowell Indian Community prior to initiation of fieldwork resulted in a plan of action that allowed nondestructive analysis with disposition to Fort McDowell Indian Community within three months of the excavation. Reclamation returned all human remains to the Fort McDowell Indian Community in October 1996.

A plan of action for handling prehistoric human remains and artifacts from the Santa Cruz Bank Stabilization project and the Central Arizona Project-Link Pipeline on the San Xavier District of the Tohono O'odham Nation lands required that all human remains excavated during the 1999 fieldwork be analyzed in the field and turned over

to tribal monitors at the end of each day. In 1999, Reclamation recorded Native American human remains representing five individuals and four associated funerary objects for the bank stabilization and one individual and no associated funerary objects for the Link Pipeline project. All cultural items were returned to the San Xavier District.

Consultation/Recent NAGPRA Initiatives

Reclamation is consulting with 107 federally recognized tribes on NAGPRA related issues. Of these 107 tribes, 19 tribes are being consulted by two separate Reclamation offices, seven tribes by three offices, and three tribes by four offices. To better allow for a government-to-government relationship for these multiple office consultations, Reclamation is developing a better network for information exchange between offices and, when possible, arranging for multiple office consultations. In the autumn of 1999, multiple Reclamation offices held face-to-face meetings with the Hopi Tribe and the Pueblo of Zuni.

Within Reclamation, we are seeing an increase in face-to-face consultations. Email also has been an added means of information exchange between tribes and Reclamation.

This past year, our Upper Colorado Region has worked with other federal agencies and tribes on a cultural affiliation study of the Fremont Culture. They expect the final report and a decision on cultural affiliation of the Fremont Culture in September 2001. Nine tribes have claimed affiliation to the Fremont cultural items. A similar report is underway for the Anasazi Culture with 32 tribes contributing to the lines of evidence for affiliation.

The Dakotas Area Office within the Greta Plains Region is in the process of finalizing a NAGPRA Action Plan with the Oglala, Rosebud, and Lower Brule Sioux tribes. This plan is being prepared in conjunction with a revised Programmatic Agreement for the Mni Wiconi (municipal and rural water pipeline) project. The Dakotas Area Office has been working with the elder advisory committees for the three tribes to prepare the Action Plan.

Besides our tribal and internal consultations we are partnering with other federal agencies and museums to facilitate repatriation. Two examples of our collaborative effort can be seen in tomorrow morning's session on "requests regarding the disposition of 'culturally unidentifiable' human remains." In one case, our Dakotas Area Office worked with 17 tribes in order to reach an agreement for disposition. The other case, our Eastern Colorado Area Office has interacted with nine tribes. Another example, also involves a request for disposition of "culturally unidentifiable" human remains that will be brought before you at your next meeting. In that case, 14 tribes, three federal agencies, and four museums are in the final processes of signing a memorandum of agreement for the disposition of "culturally unidentifiable" human remains and associated funerary objects from Kansas.

Another way Reclamation is working with other federal agencies is to send them documents we are developing related to NAGPRA. Both the documents I mentioned

earlier, your attachment's B and C, were distributed to Federal Preservation Officers. We also have these documents posted on our NAGPRA website (www.usbr.gov/nagpra). The website also has listed our NAGPRA contacts as well as other related information.

NAGPRA Budget

The committee has expressed an interest in knowing the amount of monies budgeted for NAGPRA-related activities. Table 1 provided expended dollars for fiscal years 1998 through 2000 and projected dollars for fiscal years 2001 and 2002 budgeted specifically for NAGPRA. These numbers do not reflect all funding which has been or will be spent on NAGPRA related activities. This is because costs related to inadvertent discoveries are usually charged to a specific Reclamation project or activity and these costs are difficult to track.

NAGPRA Budget FY 1998-2002				
Expended			Projected	
FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
217,119	367,575	239,884	274,800	253,100

Regional offices have indicated that they are committed to providing additional NAGPRA funds for cultural items in their collections if such is proved necessary during the course of any given year. In most cases, project-specific monies will be made available to handle discovery situations.

This concludes my formal presentation.